

UNITED STATES CIVIL SERVICE COMMISSION  
Office of the Executive Director  
Interagency Advisory Group December 16, 1954  
Washington 25, D. C.

Report of the Interagency Committee on  
Procedures to Maintain the Whitten Amendment Ceiling

Background

The new Whitten Amendment provides:

"(a) The Civil Service Commission and the heads of the executive departments, agencies, and corporations shall make full use of their authority to require that initial appointments to positions in and outside the competitive civil service shall be made on other than a permanent basis in order to prevent increases in the number of permanent personnel of the Federal Government in excess of 10 per centum above the total number of permanent employees on September 1, 1950."

Executive Order 10,577 of November 22, 1954, establishing the career-conditional appointment system, provides:

"Sec. 204. In order to effectuate the purposes of Section 1310 of the Supplemental Appropriations Act, 1952, (Public Law No. 253, 82nd Congress), as amended, the Commission shall, after consultation with the agencies concerned, determine the division of allowable permanent appointments within and between the excepted service and the competitive service."

Because the Whitten Amendment provision applies to the total number of permanent employees on September 1, 1950, the Committee found it necessary to determine the number of permanent employees in the

The Committee explored the possibility of obtaining sufficient information from the agencies so that a firm figure on the number of "permanent" employees in excepted positions on September 1, 1950 could be derived which, in turn, could be used as a base for the current ceiling on number of "permandnt" excepted appointments.

#### Work Group Established

The Committee's inquiries as to available information revealed that accurate figures were extremely difficult to secure. A work group was, therefore, established to develop ways and means to:

1. Determine number of employees with "permanent" appointments in the excepted service in September 1950;
2. Determine the current number of "permanent" appointments in excepted positions in September 1954.

Members of this work group were:

Deal, Calvin P. (Chairman)  
Hallman, Paul W.  
Odell, Charles M.  
Reid, Max P.  
Rifkind, Bernard D.

Civil Service Commission  
Department of State  
Department of Justice  
Department of Agriculture  
Department of the Air Force

#### Findings of Work Group

On December 10, 1954, the work group reported the following information to the full Committee.

The possibility of asking all agencies to determine the number of their employees with "permanent" appointments in the excepted service on September 1, 1950 had been explored. It was found that prior to the initial

Using the estimate of 95 per cent on a Federal-wide basis, it was estimated that of the 204,379 non-temporary excepted employees reported on the September 1950 SF-113, about 194,000 had "permanent" tenure. A few thousand excepted employees overseas now included in the SF-113 count were not included in the September, 1950 count. The work group accordingly recommended that the 194,000 estimate be adjusted upward to 200,000 to cover the overseas employees with "permanent" tenure who were not counted in 1950 as Federal employees.

Assuming 200,000 as the September 1950 base figure for "permanent" excepted employees, the "permanent" ceiling for the excepted service would be 220,000 (base plus 10%). The total Executive Branch ceiling on "permanent" employees would be 1,886,881.

The estimated trend of permanent Federal employment is as follows:

	<u>Total, Executive Branch</u>	<u>Competitive Service</u>	<u>Excepted Service</u>
September, 1950	1,715,346	1,515,346	200,000*
Plus 10%	1,886,881	1,666,881	220,000
September, 1954	1,572,466	1,277,873	294,593**
After mass conversion			
In January, 1955		1,455,600	
January, 1956		1,536,700	
January, 1957		1,539,400	
January, 1958		1,524,000	

\* Estimated

\*\* Includes all "other than temporary" employment

Committee Conclusions

who have three years service, or waiting until spring, when actual figures will be available, before making any conversions of excepted employees to "permanent" tenure; and (3) whether a higher percentage of conversions could be allowed without exceeding the ceiling for the entire Federal service imposed by the Whitten Amendment and without giving the excepted service an unfair advantage over the competitive service.

The Committee then approved the following proposal, presented in the form of a motion:

"That within the excepted service, and until an inventory be taken and studied, the number of permanent employees will be held to 75% of the present non-temporary population in each agency provided no agency now over 75% will be required to cut back."

Two Committee representatives did not concur in this conclusion: one objecting to the legal interpretation requiring inclusion of the excepted service under the ceiling; and the other on the grounds that it would hamper complete and immediate conversion to permanent tenure where all of their employees are under a separate merit system.

The Committee felt that in view of the following considerations, the interim requirements should be conservative:

- (a) The possibility of serious underestimates of the number of conversions in the competitive service;
- (b) The need of the Post Office Department for 60,000 additional permanent berths; and
- (c) The admitted inadequacy of our knowledge of the number of present permanent appointments in the excepted service.